

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ANTHONY HAMLET,

Plaintiff/Petitioner,

v.

No. CIV 10-0500 MV/LAM

THE STATE OF CALIFORNIA, et al.,

Defendant(s)/Respondent(s).

ORDER

THIS MATTER is before the Court on this *pro se* Plaintiff/Petitioner's initiating pleading entitled *Petition For "Delinquent" Certificate of Rehabilitation* (Doc. 1), filed concurrently with another document entitled "*Extraordinary Writ*" (Doc. 2). Plaintiff/Petitioner, who is incarcerated in California, asserts a number of constitutional violations arising from parole proceedings and conditions of his confinement. Plaintiff/Petitioner has not paid the filing fee or moved for leave to proceed under 28 U.S.C. § 1915.

Plaintiff/Petitioner's filings do not challenge "the fact or length of his confinement" and, thus, the Court construes his pleadings as a civil rights complaint under 42 U.S.C. § 1983. *See Preiser v. Rodriguez, et al.*, 411 U.S. 475, 494 (1973) (explaining that when a prisoner is seeking something other than an immediate or more speedy release, habeas corpus is not an appropriate or available federal remedy and claims can be brought under the Civil Rights Act). The required filing fee for a civil rights complaint is \$350.00. Failure to pay the filing fee or file a motion to proceed *in forma pauperis* within thirty (30) days from the date of this order may result in dismissal of this action without further notice.

IT IS THEREFORE ORDERED that, **within thirty (30) days from the date of this order**, Plaintiff/Petitioner pay the \$350.00 filing fee or submit a motion to proceed *in forma pauperis*.

IT IS FURTHER ORDERED that the Clerk is directed to mail to Plaintiff/Petitioner, together with a copy of this order, a Prisoner's Motion to Proceed In Forma Pauperis and an Initial Financial Certificate.

IT IS SO ORDERED.

Lourdes A. Martinez
LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE